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09/609,714	06/30/2000	Stefan Hack	7781.0013-0	2503

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EXAMINER
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HECK, MICHAEL C

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/609,714

Applicant(s)

HACK ET AL.

Examiner

Michael Heck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 23 is objected to because of the following informalities: no period at the end of the claim sentence. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 24-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 24 describes the act of identifying a collaborative business, participants in the collaborative business, and activities of the participants; identifying functionality of the activities; identifying system requirements used to implement the collaborative business; identifying quantitative and qualitative business benefits based on a collaboration between participants; identifying an industry and corresponding solution maps relating to the collaborative business; and creating a collaboration based on information obtained in the identifying steps. The specification describes the invention as creating collaboration between members of an e-community within a collaborative business scenario (CBS), then describes a CBS. The steps of figure 2A and 2B are described as the flow diagram representing the steps performed by a method when creating a CBS. The specification

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recites identifying collaborative business and participants, activities, business benefits, and value potential to create a business view, recites identifying functionality of activities and roles of participants that perform the activities, business documents, and information flow to create the interaction view, then recites identifying system requirements to create a component view. The process of identifying the above stated items is not described in any detail to allow one skilled in the art to perform the task.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-23, and 26-57 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-23, and 26-57 are directed to nonfunctional descriptive material. Method claims 1-5 merely describe a business view, an interaction view, and a component view where data is displayed. Method, system, and computer readable medium claims 6-20, and 26-54 merely describe graphical depictions of a sequence of interactions, an information flow, and a physical system. Method and computer readable medium claims 21-23 and 55-57 merely describe displaying a first view, a second view, and a third view of participants, activities, benefits, information flow, and system topology. The descriptive material does not impart functionality when employed as a computer component. Descriptive material that cannot exhibit any functional interrelationship with the way in which computer processes are performed does not constitute a statutory process, machine, manufacture or composition of matter. Where certain types of descriptive material, such as music, literature, art, photographs,

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and mere arrangements or compilations of facts or data, are merely stored so as to be read or outputted by a computer without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer, then such descriptive material alone does not impart functionality either to the data as so structured, or to the computer. MPEP 2106 IV.B.1.

Claims 1-5 and 24-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the “progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For the process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, claims 1 and 24 only recite an abstract idea. The recited steps of providing on a display device a business view depicting a plurality of interlocked polygons illustrating interactions between the participants, the polygons being positioned relative to each other to define a sequence of instructions; and deriving an interaction view from the business

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view, the interaction view depicting additional information between the participants, and identifying a collaborative business, participants in the collaborative business, and activities of the participants; identifying functionality of the activities; identifying system requirements used to implement the collaborative business; identifying quantitative and qualitative business benefits based on a collaboration between participants; identifying an industry and corresponding solution maps relating to the collaborative business; and creating a collaboration based on information obtained in the identifying steps does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The methods only constitute an idea for assisting collaboration between participants in a business community, and creating collaboration between participants in a business scenario.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implications of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. In the present case, none of the recited steps are directed to anything in the technological arts as explained above. Looking at the claim as a whole, nothing in the body of the claim recites any structure or functionality to suggest that a computer performs the recited steps. Therefore, the preamble is taken to merely recite a field of use.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces a display (i.e., repeatable) illustrating interactions between participants (i.e., useful and tangible)

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and identifies (i.e. repeatable) a collaborative business, participants in the collaborative business, and activities of the participants, functionality of the activities, system requirements, business benefits, industry and corresponding solution map (i.e., useful and tangible), and creates (i.e. repeatable) a collaboration (i.e., useful and tangible).

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 1 and 24 are deemed to be directed to non-statutory subject matter.

Claims 2-5 and 25 are rejected for being dependent upon claims 1 and 24, respectively.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1-15, 18-21, 23, 26-35, 38-49, 52-55 and 57** are rejected under 35 U.S.C. 103(a) as being unpatentable over PR Newswire (PR Newswire, VIT's 'SeeChain NOW!' Program Delivers Supply Chain Visibility for SAP Customers in as Little as 90 Days, Pr Newswire, New York, 13 September 1999, p. 1 [PROQUEST]) in view of Business Editors (Business Editors, DeskTalk Announces Next Generation TREND ReportPacks Automating Web-Based Performance Reporting, Business Wire 5 May 1998, p. 1 [PROQUEST]).

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The examiner interprets the claims to describe a picture or graph with drill-down features for more detailed information. The actual shape and alignment of the picture or graph features are non functional therefore are not given any patentable weight.

PR Newswire describes a value chain optimization system and method comprising:

- [Claim 1] providing on a display device a business view depicting a plurality of interlocked polygons illustrating interactions between the participants (Para 1 and 3, PR Newswire teaches an e-supply chain performance measurement application using reports and graphs), the polygons being positioned relative to each other to define a sequence of instructions (Para 3, PR Newswire teaches a timeline);
- [Claim 6] rendering a first graphical depiction of a sequence of interactions between the participants (Para 1 and 3, PR Newswire teaches an e-supply chain performance measurement application using reports and graphs);

PR newswire fails to teach as to claim 1, deriving an interaction view from the business view, the interaction view depicting additional information between the participants, and as to claim 6, rendering a second graphical depiction, derived from the first graphical depiction, containing information flow. Business Editors teach web-based performance reports with charts and graphs with links from summary information to drill-down details (Para 1). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include drill-down capability with the teachings of PR Newswire since the teaching of Business Editors teach that it is old and well known in the presentation art to group information into reports directed to a particular audience or task (Para 3). Business reports and graphs convey information needed at all levels of the organization. Being able to display the same information in the various formats requested by the using community can be cumbersome and time consuming. Having the ability to display information where users can elect to drill-down to information that is needed allows



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users to get their desired information and saves time for the preparer since the information is collected and prepared once.

- [Claim 2] providing, in the business view, an indication of the benefits from the interactions (Business Editors: Para 6, Business Editors teach forecasts reports indicating devices where near-term corrections can prevent service degradation. The examiner interprets the forecast reports to be an indication of benefits.).
- [Claim 3] providing a component view depicting an implementation of the business and interaction view in a physical system (Business Editors: Para 3 and 10, Business Editors teach DeskTalk's TREND 3.5 provides network managers with comprehensive web-based management reports. Service Level Management report provides an instant view of latency and availability across the enterprise by element. The examiner interprets the Service Level Management report to describe a physical system.).
- [Claim 4] depicting the availability of IT components in the physical system (Business Editors: Para 3, 7, and 10, Business Editors teach DeskTalk's TREND 3.5 provides network managers with comprehensive web-based management reports. Service Level Management report provides an instant view of latency and availability across the enterprise by element. Capacity Planning reports details most over-utilized and most under utilized elements indicating opportunities for load balancing to improve service levels without additional investment. The examiner interprets the capacity planning report to identify availability of IT components.).
- [Claim 5] depicting the activities of software components (Business Editors: Para 1, Business Editors teach TREND helps the network manager analyze trends in the network. The examiner interprets that software is an integral part of the network.).
- [Claim 7] rendering a third graphical depiction depicting an implementation of the first and second graphical depiction in a physical system (Business Editors: Para 1, 3, and 10, Business Editors teach enterprise management reporting software that delivers web-based performance reports with charts and graphs with links from summary information to drill-down details. DeskTalk's TREND 3.5 provides network managers with comprehensive web-based management reports. Service Level Management report provides an instant view of latency and availability across the enterprise by element. The examiner interprets the Service Level Management report to describe a physical system.).
- [Claim 8] representing a plurality of interactions depicted as interlocking polygons (PR Newswire: Para 3, PR Newswire teaches a timeline).

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- [Claim 9] vertically aligning representations of interactions involving one of the participants (Business Editors: Para 1, Business Editors teach enterprise management reporting software that delivers web-based performance reports with charts and graphs with links from summary information to drill-down details.).
- [Claim 10] vertically aligning representations of the business benefits, wherein the business benefits correspond to at least one participant (Business Editors: Para 1 and 6, Business Editors teach enterprise management reporting software that delivers web-based performance reports with charts and graphs with links from summary information to drill-down details. Forecasts reports indicate devices where near-term corrections can prevent service degradation. The examiner interprets the forecast reports to be an indication of benefits.).
- [Claim 11] vertically aligning representations of quantifiable business benefits, wherein the quantifiable business benefits provide a basis for ROI calculations (PR Newswire: Para 1, PR Newswire teaches that by combining SAP data with information from planning engines and legacy applications, the program allows manufacturers to see and collaborate across the total supply chain so they can proactively measure, monitor and exceed supply chain performance objectives. The examiner interprets measures and objectives to be quantifiable and a basis for ROI calculations.).
- [Claim 12] producing a link from the first graphical depiction to the second graphical depiction (Business Editors: Para 1, 3, and 10, Business Editors teach enterprise management reporting software that delivers web-based performance reports with charts and graphs with links from summary information to drill-down details.).
- [Claim 13] providing additional information regarding interdependency of the participants (Business Editors: Para 1, Business Editors teach enterprise management reporting software that delivers web-based performance reports with charts and graphs with links from summary information to drill-down details).
- [Claim 14] includes depicting a sequence of activities (PR Newswire: Para 3, PR Newswire teaches a timeline).
- [Claim 15] includes depicting information sharing between participants (PR Newswire: Para 1, PR Newswire teaches SeeChain NOW! allows manufacturers to see and collaborate across the total supply chain. The examiner interprets collaboration to be information sharing.)
- [Claim 18] includes depicting a system topology used by a participant (Business Editors: Para 3, and 10, Business Editors teach DeskTalk's TREND 3.5 provides network managers with comprehensive web-based management reports. Service

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Level Management report provides an instant view of latency and availability across the enterprise by element.)

- [Claim 19] includes depicting distributed and centralized systems (Business Editors: Para 3, and 10, Business Editors teach DeskTalk's TREND 3.5 provides network managers with comprehensive web-based management reports. Service Level Management report provides an instant view of latency and availability across the enterprise by element.)
- [Claim 20] the third graphical depiction is derived from the second graphical depiction and contains additional information regarding the collaboration between participants (Business Editors: Para 1, 3, and 10, Business Editors teach enterprise management reporting software that delivers web-based performance reports with charts and graphs with links from summary information to drill-down details. DeskTalk's TREND 3.5 provides network managers with comprehensive web-based management reports. Service Level Management report provides an instant view of latency and availability across the enterprise by element.).
- [Claim 21] displaying a first view consisting of a plurality of interlocking polygons, wherein the polygons corresponding to each participant being vertically aligned and the activities of the participants; business benefits of each activity being shown in a vertical arrangement (PR Newswire: Para 1 and 3, PR Newswire teaches an e-supply chain performance measurement application that allows manufacturers to see and collaborate across the total supply chain using reports and graphs that includes a timeline. Microsoft Excel is used. Business Editors: Para 3, Business editors teach ReportPacks automatically group coherent sets of information into reports directed to particular audiences or tasks.).
- [Claim 23] a system topology at a particular participant's site (Business Editors: Para 3, and 10, Business Editors teach DeskTalk's TREND 3.5 provides network managers with comprehensive web-based management reports. Service Level Management report provides an instant view of latency and availability across the enterprise by element.)

Claims 26-35, 38-49, 52-55, and 57 substantially recite the same limitations as that of claims 6-15, 18-21, and 23 with the distinction of the recited method being a system and computer readable medium. Hence the same rejection for claims 6-15, 18-21, and 23 as applied above applies to claims 26-35, 38-49, 52-55, and 57.

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6. Claims 16, 17, 22, 24, 25, 36, 50 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over PR Newswire (PR Newswire, VIT's 'SeeChain NOW!' Program Delivers Supply Chain Visibility for SAP Customers in as Little as 90 Days, Pr Newswire, New York, 13 September 1999, p. 1 [PROQUEST]) and Business Editors (Business Editors, DeskTalk Announces Next Generation TREND ReportPacks Automating Web-Based Performance Reporting, Business Wire 5 May 1998, p. 1 [PROQUEST]) in view of Flores et al. (U.S. Patent 5,630,069). PR Newswire and Business Editors describe a value chain optimization system and method comprising:

- [Claim 22] displaying a second view consisting of participants of the collaborative business scenario in vertical lanes; activities of the participants depicted illustrated as interlocking polygons (Business Editors: Para 1, Business Editors teach enterprise management reporting software that delivers web-based performance reports with charts and graphs with links from summary information to drill-down details.);

PR Newswire and Business Editors fail to teach information flow between the participants illustrated as lines linking the interlocking polygons; and connectors connecting a line and an activity illustrating a direction of document exchange. Flores et al, teaches business process maps that display the relationships among workflows, and displays the relevant information about each workflow. Workflows are business processes or a sequence of transactions (Col. 1 lines 19-25 and line 64 through to Col. 2, line 8). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include business process maps with the teachings of PR Newswire and Business Editors since the teachings of Flores et al. teach that it is old and well known in the business analysis art to clarify business processes (Col. 2, lines 9-30). Having visibility of the total supply chain allows for active identification of problems that degrade satisfaction of all parties involved. Business relationships are less strained and more

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cooperative in nature. Therefore, business process maps allow for problems to be identified and solutions to be put into place and measured that will ultimately improve the business relationship among the cooperating organizations.

- [Claim 16] includes depicting roles in the collaboration (Flores et al. Col. 2, lines 9-30, Flores et al. teaches workflow maps highlights the roles of process participants.)
- [Claim 17] includes depicting features in the collaboration (Flores et al. Col. 2, lines 9-30, Flores et al. teaches workflow maps highlights the features of business processes.)
- [Claim 24] identifying a collaborative business, participants in the collaborative business, and activities of the participants (PR Newswire: Para 1 and 3, PR Newswire teaches an e-supply chain performance measurement application that allows manufacturers to see and collaborate across the total supply chain so they can proactively measure, monitor and exceed supply chain performance objectives using reports and graphs that includes a timeline.);
- identifying functionality of the activities (Flores et al.: Col.2, lines 1-30, Flores et al. teaches business process mapping that displays the relationships among workflows, which workflows are primary and which workflows are secondary to the business process);
- identifying system requirements used to implement the collaborative business (Business Editors: Para 3, 7, and 10, Business Editors teach DeskTalk's TREND 3.5 provides network managers with comprehensive web-based management reports. Service Level Management report provides an instant view of latency and availability across the enterprise by element. Capacity planning report details most over-utilized and most under utilized elements indicating opportunities for load balancing.);
- identifying quantitative and qualitative business benefits based on a collaboration between participants (Flores et al.: Col. 2, lines 1-30, Flores et al. teaches workflow maps highlight cycle times for the process and the conditions of satisfaction of both internal and external customers. PR Newswire: Para 1, PR Newswire teaches that by combining SAP data with information from planning engines and legacy applications, the program allows manufacturers to see and collaborate across the total supply chain so they can proactively measure, monitor and exceed supply chain performance objectives.);
- identifying an industry and corresponding solution maps relating to the collaborative business (Flores et al.: Abstract, Flores et al. teaches the method and system of creating workflow maps of business processes provides consultants, business process

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analysts, and application developers with a unified tool with which to conduct business process analysis, design, and documentation. The examiner interprets consultants to be associated with various industries such as service and manufacturing industries.); and

- creating a collaboration based on information obtained in the identifying steps (PR Newswire: Para 1 and 3, PR Newswire teaches an e-supply chain performance measurement application that allows manufacturers to see and collaborate across the total supply chain so they can proactively measure, monitor and exceed supply chain performance objectives.).
- [Claim 25] the participants are consumers, enterprises, and/or electronic marketplaces (PR Newswire: Para 1 and 3, PR Newswire teaches an e-supply chain performance measurement application that allows manufacturers to see and collaborate across the total supply chain so they can proactively measure, monitor and exceed supply chain performance objectives. The examiner interprets manufacturers to be enterprises.).

Claim 36, 37, 50, 51, and 56 substantially recites the same limitations as that of claims 16, 17, and 22 with the distinction of the recited method being a system and a computer readable medium. Hence the same rejection for claim 16, 17, and 22 as applied above applies to claims 36, 37, 50, 51, and 56.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

Or faxed to:

<b>(703) 872-9306</b>	[Official communications; including After Final communications labeled "Box AF"]
<b>(703) 746-9419</b>	[Informal/Draft communication, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, 7<sup>th</sup> floor receptionist.

mch  
23 September 2003

  
**TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**